

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23447 of 2004

Between:

Sri M.M.Ananda Sagar, s/o M.S.V.Prasada Rao,
Katrenikona Village & Mandal, East Godavari District.

..... PETITIONER

AND

- 1 The District Collector, East Godavari District, Kakinada.
- 2 The District Panchayat Officer, East Godavari District, Kakinada.
- 3 Sri K.Sudhakar,
o/o The District Panchayat Officer, East Godavari District, Kakinada.
- 4 Sri P.Vishwaroop, s/o Reddy Panthulu,
Assembly, Mummidivaram Legislative constituency, r/o Nadavapally,

Katrenikona Mandal, East Godavari District.

- 5 Sri P.Venkata Rao, s/o Pattabhi,
Katrenikona Gram Panchayat, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, one in the nature of mandamus declaring the order of the 1st respondent in Roc.No.5009/2003/A11 dated 1-12-2004, placing the petitioner under suspension from the post of Sarpanch, Katrenikona Gram Panchayat, as arbitrary, illegal, malafide, without application of mind, colourable exercise of power and consequently set aside the same.

Counsel for the Petitioner:MR.C.V.MOHAN REDDY

**Counsel for the Respondents 1 and 2: GP FOR PANCHAYAT RAJ & RURAL
DEV.**

Counsel for the Respondent Nos.3 and 4: None.

Counsel for the Respondent No.5: Sri Ghanta Ramarao.

The Court at the admission stage, made the following:

HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 23447 of 2004

ORAL ORDER:

The petitioner is the Sarpanch of Katrenikona Gram Panchayat, East Godavari District. Assailing the order dated 1-12-2004, passed by respondent No.2-District Panchayat Officer, purporting to be one under Section 249(6) of the A.P. Panchayat Raj Act, 1994, placing him under suspension for a period of three months, he filed the writ petition. It is his grievance that the impugned order has been passed at the instance of respondent Nos. 3 to 5, who are inimical to him.

On 16-12-2004, this Court while ordering notices to the unofficial respondents, namely respondent Nos. 3 to 5, suspended the impugned order for a limited period upto 20-12-2004 and later extended it.

Heard the learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj for respondent Nos. 1 and 2 and the learned counsel for respondent No. 5, who also filed counter. During the course of arguments, the learned counsel for the petitioner submitted that since the enquiry into the allegations made against the petitioner proposed to be conducted on 30-12-2004, could not be conducted in view of the interim orders passed by this Court, the enquiry may be completed and the petitioner is ready and willing to participate and co-operate in the enquiry, but submits that the enquiry be conducted by an officer of the Panchayat Raj Department, not from East Godavari District, but from any other neighbouring District. The learned Government Pleader for Panchayat Raj appearing on behalf of respondent Nos. 1 and 2, and the learned counsel for respondent No.5, also agreed to the stand taken by the learned counsel for the petitioner, and consented for disposal of the writ

petition with the following directions:

Respondent No. 1-District Collector, shall conduct an enquiry into the allegations made against the petitioner by an officer of the Panchayat Raj Department, working in Krishna District. The Enquiry Officer, so appointed shall intimate the date of enquiry to the petitioner, and after conducting the enquiry, he shall submit his report to the District Collector. Thereupon, the District Collector shall issue notice to the petitioner calling for his explanation, and thereafter, is at liberty to pass appropriate orders in the matter. In view of the agreed stand taken by all the counsel, the impugned order of suspension, passed against the petitioner, is set aside.

The writ petition is accordingly disposed of. No costs.

December 31, 2004 (N.V.RAMANA, J)

KSR/KVR

To

1. The District Collector, East Godavari District, Kakinada.

A.P., Hyderabad (OUT)

4. Two C.D. copies.

THE HON'BLE MR JUSTICE N.V. RAMANA

—

—

—

—

—

1

1

WRIT PETITION NO : 23447 of 2004

—

—

—

—

— — — — —

31-12-2004